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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			COUGHLAN, PETER D	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/624,860	CHAN ET AL.	
	Examiner	Art Unit	
	PETER COUGHLAN	2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 December 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-31 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 July 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

Detailed Action

1. This office action is in response to an AMENDMENT entered December 28, 2007 for the patent application 10/624860 filed on July 21, 2003.

2. All previous Office Actions are fully incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 1-31 are pending.

Claim rejections – 35 USC §112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 3, 7, 15, 20, 21, 25, 28, 29, 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable

one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There is no definitive explanation of what is meant by 'technology objects.'

Under section 2164.01(a) of the MPEP 7 areas need to be addressed for a test of enablement.

(A) The breadth of the claims. The independent claims pertain to finding a solution. This fails to limit how the 'technology objects' are to be employed. A few examples of 'finding a solution' can be used for manufacturing processes or solving abstract problems such as an algorithm for solving N-P complete problems.

(B) The nature of the invention. There is no nature of the invention (see 35 U.S.C. §101 rejection) which connects 'finding a solution' to 'technology objects.'

(C) The state of the prior art. The prior art of modeling language also suggests that 'technology objects' is a concept as well such as 'classes' with object oriented programming.

(D) The level of one of ordinary skill. The phrase 'technology objects' can have numerous possibilities. In paragraph 0043, Fig. 22 'shows how a graphical assignment of business steps to a technology object may work.' There is still no explanation what is a 'technology object.'

(E) The level of predictability in the art. Since there is no specific domain in which the invention can be employed, there exists no specific level of predictability in the art which could aid the Examiner.

(F) The amount of direction provided by the inventor. Per paragraph 0050, Fig. 29A is a 'technology object template.' Per paragraph 0043, Fig 22 'shows how a graphical assignment of business steps to a technology object may work.' These two figures are identical. Is a 'technology object a 'portal server?'' There is no clear direction provided by the inventor.

(G) The existence of working examples. There exists no working examples within the specification which clarifies how 'technology objects' are to be employed.

(H) The quantity of experimentation needed to make or use the invention based on the content of the disclosure. Since there are numerous applications in which the invention could be used the amount of experimentation would be enormous.

In re Wands, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988).

These claims and/or specification must be amended or the claims must be withdrawn from consideration.

35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-3, 5-31 are rejected under 35 U.S.C. 101 for nonstatutory subject matter. The computer system must set forth a practical application of that § 101 judicial

exceptions to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77. The invention is ineligible because it has not been limited to a substantial practical application. Although the claims and the specification recite a business solution management system, both are silent concerning a practical application of said business solution management system. The result has to be a practical application. Additionally the application is claiming preemption due to known and unknown uses. Per paragraph 0003, the invention ‘may involve technology such as a computer system and software.’ Meaning it ‘may’ something else. Additionally, the invention ‘addresses internal and external business issues.’ ‘External business issues’ pertain to anything outside a ‘business issue’ domain.

In determining whether the claim is for a “practical application,” the focus is not on whether the steps taken to achieve a particular result are useful, tangible and concrete, but rather that the final result achieved by the claimed invention is “useful, tangible and concrete.” If the claim is directed to a practical application of the § 101 judicial exception producing a result tied to the physical world that does not preempt the judicial exception, then the claim meets the statutory requirement of 35 U.S.C. § 101. There are no specified topics in which the business solution management system can be employed. There is no specified field within a topic in which the business solution management system can be employed. Examples of a topic which the claims or specification is silent are, mining operations, retail sales, healthcare. Examples of a field within the topic in which the claims or specification is silent are, human resources, inventory, or profit margin.

The invention must be for a practical application and either:

- 1) specify transforming (physical thing) or
- 2) have the FINAL RESULT (not the steps) achieve or produce a useful (specific, substantial, AND credible), concrete (substantially repeatable/ non-unpredictable), AND tangible (real world/ non-abstract) result.

A claim that is so broad that it reads on both statutory and non-statutory subject matter, must be amended.

The ‘business solution management system’ is nothing more than an exercise without a practical application. There must be a result, output or use that is a practical application. Additionally there is the issue of preemption due to known and unknown uses for the invention. ‘External business issues’ can be anything outside an ‘internal business issue’ domain.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 29 is rejected under 35 U.S.C. 102(b) (hereinafter referred to as **Fowler**) being anticipated by ‘UML Distilled: A Brief guide to the standard Object Modeling Language.’

Claim 29

Fowler teaches prompting a user to select at least one instantiated business process object and one instantiated technology object; (**Fowler**, #18, #5; One example of the generation of a ‘feature’ is the combination of a ‘behavioral feature’ and a ‘structure feature’ of Fowler. To add features, the creation of a subtype is needed. Thus ‘prompting a user to select...’ is the ability to create a ‘subtype’ of Fowler.) receiving user parameters(**Fowler**, #5, Figure 1.1, #12; ‘User parameters’ of applicant is equivalent to ‘parameter’ of Fowler.); designing a business solution using the selected business process object, technology object, and user parameters(**Fowler**, #5, Figure 1.1, #12; ‘Predefined business objects’ of applicant is equivalent to the ‘behavioral feature’ of Fowler. ‘Technology objects’ of applicant is equivalent to ‘Structure feature’ of Fowler.); maintaining and modifying the business solution subsequent to implementation of the business solution, the implementation based, at least in Dart, on a current state of the business object and the technology object; and (**Fowler**, #8; ‘Maintaining’ of applicant is equivalent to ‘...as these objects that are set up and then left alone...’ of Fowler. ‘Modifying’ of applicant is equivalent to ‘...they are not modified often, and when they are, we can create them again.’ of Fowler.) persisting the modified business solution for subsequent presentation through a graphical user interface.

(**Fowler**, #1:21-24 and #4:14-39; A working interface must be able to have a system that can ‘interface with along with protocols and physical media.’ ‘Graphical user interface’ of applicant is disclosed by a ‘the creation of various graphical or text based documents’ of Fowler.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler as set forth above, in view of Chappel. (U. S. Patent Publication 20020174005, referred to as **Chappel**)

Claim 1

Fowler teaches software comprising instructions stored in a computer readable medium (**Fowler**, #7; ‘Software’ of applicant is equivalent to ‘Unified modeling language’ of Fowler.), the software allowing a user to (a) design a business solution with user

parameters, instantiated user-selectable, pre-defined business objects, and instantiated user-selectable, pre-defined technology objects (**Fowler**, #5, Figure 1.1, #12; ‘Predefined business objects’ of applicant is equivalent to the ‘behavioral feature’ of Fowler. ‘Technology objects’ of applicant is equivalent to ‘Structure feature’ of Fowler. “User parameters” of applicant is equivalent to ‘parameter’ of Fowler.) allowing a user to maintain and modify the business solution designed by the user subsequent to implementation of the business solution, the implementation based, at least in part, on a current state of the business objects and the technology objects (**Fowler**, #8; ‘Maintain’ of applicant is equivalent to ‘...as these objects that are set up and then left alone...’ of Fowler. ‘Modify’ of applicant is equivalent to ‘...they are not modified often, and when they are, we can create them again.’ of Fowler.) and; persisting the modified business solution for subsequent presentation through a graphical user interface. (**Fowler**, #1:21-24 and #4:14-39; A working interface must be able to have a system that can ‘interface with along with protocols and physical media.’ ‘Graphical user interface’ of applicant is disclosed by a ‘the creation of various graphical or text based documents’ of Fowler.)

Fowler does not teach a first data repository comprising the instantiated user-selectable, pre-defined business objects; and a second data repository comprising the instantiated user-selectable, pre-defined technology objects.

Chappel teaches a first data repository comprising the instantiated user-selectable, pre-defined business objects (**Chappel**, ¶0026; ‘First data repository’ of applicant is equivalent to ‘source database’ of Chappel.); and a second data repository comprising the instantiated user-selectable, pre-defined technology objects. (**Chappel**,

¶0026; ‘Second data repository’ of applicant is equivalent to ‘rules database’ of Chappel.) It would have been obvious to a person having ordinary skill in the art at the time of applicant’s invention to modify the teachings of Fowler by having different databases to hold different types of information as taught by Chappel to have a first data repository comprising the instantiated user-selectable, pre-defined business objects; and a second data repository comprising the instantiated user-selectable, pre-defined technology objects.

For the purpose of segmenting different types of information to ease updating needs and lowering replacement cost in case of hardware failure.

Claim 25

Fowler teaches providing at least a first software application and a second software application, the first software application allowing a user to design a business solution with user parameters, instantiated user-selectable, pre-defined business process objects and instantiated user-selectable, pre-defined technology objects (**Fowler**, #5, Figure 1.1, #12; ‘Predefined business objects’ of applicant is equivalent to the ‘behavioral feature’ of Fowler. ‘Predefined technology objects’ of applicant is equivalent to ‘Structure feature’ of Fowler. “User parameters” of applicant is equivalent to ‘parameter’ of Fowler.), and the second software application allowing the user to maintain and modify the business solution subsequent to implementation of the business solution, the implementation based, at least in part, on a current state of the business process objects and the technology objects, at least one of the first or second

software applications persisting the modified business solution for subsequent presentation through a graphical user interface. (**Fowler**, #8, #1:21-24 and #4:14-39; ‘Maintain’ of applicant is equivalent to ‘...as these objects that are set up and then left alone...’ of Fowler. ‘Modify’ of applicant is equivalent to ‘...they are not modified often, and when they are, we can create them again.’ of Fowler. #1:21-24 and #4:14-39; A working interface must be able to have a system that can ‘interface with along with protocols and physical media.’ ‘Graphical user interface’ of applicant is disclosed by a ‘the creation of various graphical or text based documents’ of Fowler.)

Fowler does not teach providing the instantiated user-selectable, pre-defined business process objects to a first data repository; and providing the instantiated user-selectable, pre-defined technology objects to a second data repository.

Chappel teaches providing the instantiated user-selectable, pre-defined business process objects to a first data repository (**Chappel**, ¶0026; ‘First data repository’ of applicant is equivalent to ‘source database’ of Chappel.); and providing the instantiated user-selectable, pre-defined technology objects to a second data repository. (**Chappel**, ¶0026; ‘Second data repository’ of applicant is equivalent to ‘rules database’ of Chappel.) It would have been obvious to a person having ordinary skill in the art at the time of applicant’s invention to modify the teachings of Fowler by having different databases to hold different types of information as taught by Chappel to have the instantiated user-selectable, pre-defined business process objects to a first data repository; and providing the instantiated user-selectable, pre-defined technology objects to a second data repository.

For the purpose of lowering replacement cost in case of hardware failure and segmenting different types of information to ease updating requirements.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler as set forth above, in view of Bowman. (U. S. Patent Publication 6339832, referred to as **Bowman**)

Claim 30

Fowler does not teach wherein the instructions are operable to cause one or more machines to organize business process objects, technology objects, and user parameters in a linked structure.

Bowman teaches wherein the instructions are operable to cause one or more machines to organize business process objects, technology objects, and user

parameters in a linked structure. (**Bowman**, C9:4-7; ‘Linked structure’ of applicant is equivalent to ‘network’ of Bowman.) It would have been obvious to a person having ordinary skill in the art at the time of applicant’s invention to modify the teachings of Fowler by having an organizing structure as taught by Bowman to have the instructions are operable to cause one or more machines to organize business process objects, technology objects, and user parameters in a linked structure.

For the purpose of the invention to have some organized structure so finding necessary information can be achieved in reasonable time.

Claim 31

Fowler does not teach wherein the instructions are operable to cause one or more machines to provide solution templates.

Bowman teaches wherein the instructions are operable to cause one or more machines to provide solution templates. (**Bowman**, C15:9-32) It would have been obvious to a person having ordinary skill in the art at the time of applicant’s invention to modify the teachings of Fowler by having the ability to provide information to the user as taught by Bowman to have wherein the instructions are operable to cause one or more machines to provide solution templates.

For the purpose of the user being able to access the information and provide it to the user for future needs as required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5-24, 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Fowler and Chappel as set forth above, in view of Bowman. (U. S. Patent Publication 6339832, referred to as **Bowman**)

Claim 2

Fowler and Chappel do not teach a portal layer, a software application layer a data repository.

Bowman teaches a portal layer, (**Bowman**, C31:57 through C32:5; 'Portal layer' of applicant is equivalent to 'communication services' and communication fabric' of Bowman.) a software application layer (**Bowman**, C3:48-50; 'Software application layer' of applicant is equivalent to 'software development and management' of Bowman.) a data repository. (**Bowman**, C37:46-53; 'Data repository' of applicant is equivalent to

'central design repository' of Bowman.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by having multiple layers incorporated within the design as taught by Bowman to have a portal layer, a software application layer a data repository.

For the purpose of following standard software design principles which speed development.

Claim 3

Fowler and Chappel do not teach the first and second agents providing graphical user interfaces to the first and second software applications; the first software application being operable to allow a user to design a business solution with user parameters and user-selectable, pre-defined business objects and pre-defined technology objects; the second software application being operable to allow a user to manage the business solution.

Bowman teaches the first and second agents providing graphical user interfaces to the first and second software applications; the first software application being operable to allow a user to design a business solution with user parameters and user-selectable, pre-defined business objects and pre-defined technology objects; the second software application being operable to allow a user to manage the business solution. (**Bowman**, C116:52-57; The 'first agent' and 'second ' agent of applicant is equivalent to 'system software' and 'management systems' of Bowman.) It would have

been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by having graphical interfaces as taught by Bowman to have the first and second agents providing graphical user interfaces to the first and second software applications; the first software application being operable to allow a user to design a business solution with user parameters and user-selectable, pre-defined business objects and pre-defined technology objects; the second software application being operable to allow a user to manage the business solution.

For the purpose of having a user friendly interface with a user to employ the invention.

Claim 5

Fowler and Chappel do not teach a business process engineer application operable to receiving user parameters and design business processes with the pre-defined business process objects.

Bowman teaches an interview module operable to display questions to a user and receive answers from the user to be used by the first software application. (**Bowman**, abstract' 'Interview module' of applicant is illustrated by entering an 'exception' and answers are provided by the 'exception response table' of Bowman.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by being able to input data as taught by Bowman to have a business process engineer

application operable to receiving user parameters and design business processes with the pre-defined business process objects.

For the purpose of using a template as a function and being able to input variables into the template of function is order to produce an outcome.

Claim 6

Fowler and Chappel do not teach a business process engineer application operable to receiving user parameters and design business processes with the pre-defined business process objects.

Bowman teaches a business process engineer application operable to receiving user parameters and design business processes with the pre-defined business process objects. (**Bowman**, abstract; When the user enters the parameters (equivalent to 'exception' of Bowman) this function is equivalent to a 'business process engineer' of applicant.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by using input data with predefines functions as taught by Bowman to have a business process engineer application operable to receiving user parameters and design business processes with the pre-defined business process objects.

For the purpose of obtaining a result from the predefined business objects.

Claim 7

Fowler and Chappel do not teach solution technology engineer application operable to receiving user parameters and design technology solutions with the pre-defined technology objects.

Bowman teaches solution technology engineer application operable to receiving user parameters and design technology solutions with the pre-defined technology objects. (**Bowman**, abstract; ‘Solution technology engineer’ of applicant is equivalent to responding with the correct ‘exception response’ that is listed in the ‘exception response table’ of Bowman.) It would have been obvious to a person having ordinary skill in the art at the time of applicant’s invention to modify the combined teachings of Fowler and Chappel by using input data with predefined functions as taught by Bowman to have solution technology engineer application operable to receiving user parameters and design technology solutions with the pre-defined technology objects.

For the purpose of obtaining a result from the predefined technology objects.

Claim 8

Fowler and Chappel do not teach stores a plurality of business solutions, the second software application being operable to allow a user to select one of the business solutions.

Bowman teaches stores a plurality of business solutions, the second software application being operable to allow a user to select one of the business solutions. (**Bowman**, C37:46-53; ‘Business solutions’ of applicant is equivalent to ‘application objects’ of Bowman. ‘User to select’ of applicant is equivalent to ‘check-in/check-out’ of

Bowman.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by having stored business solutions as taught by Bowman to stores a plurality of business solutions, the second software application being operable to allow a user to select one of the business solutions.

For the purpose of outputting the business solutions without the cost of generating the solution themselves.

Claim 9

Fowler and Chappel do not teach a knowledge base management application operable to allow a user to manage a knowledge base.

Bowman teaches a knowledge base management application operable to allow a user to manage a knowledge base. (**Bowman**, C55:59-67; 'Knowledge base management' of applicant is equivalent to 'document management' of Bowman.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by having an overall management system as taught by Bowman to have a knowledge base management application operable to allow a user to manage a knowledge base.

For the purpose of easing the burden of managing the system without being concerned with the details of managing the system.

Claim 10

Fowler and Chappel do not teach a project management application operable to allow a user to manage a project from a project repository associated with the data repository layer.

Bowman teaches a project management application operable to allow a user to manage a project from a project repository associated with the data repository layer. (**Bowman**, C149:50-65 and C31:28-33; 'Project management' of applicant is illustrated by 'how to use project specific application frame work' of Bowman (Bowman does not give it a specific name.)) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by having the management application be able to work with the data repository layer as taught by Bowman to have a project management application operable to allow a user to manage a project from a project repository associated with the data repository layer.

For the purpose of being able to manage all aspects of the invention, the management application must be able to interact with all layers on the invention.

Claim 11

Fowler and Chappel do not teach an integrated implementation management application operable to allow a user to manage an integrated implementation from an implementation repository associated with the data repository layer.

Bowman teaches an integrated implementation management application operable to allow a user to manage an integrated implementation from an

implementation repository associated with the data repository layer. (**Bowman**, C7:36-37 and Figure 127; Bowman illustrates the modules of a implementation interface which enables the user to integrate implementation. (Bowman just does not give it a specific name.)) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by having the management application be able to work with the data repository layer as taught by Bowman to have an integrated implementation management application operable to allow a user to manage an integrated implementation from an implementation repository associated with the data repository layer.

For the purpose of being able to manage all aspects of the invention, the management application must be able to interact with all layers on the invention.

Claim 12

Fowler and Chappel do not teach a methodology management application operable to allow a user to manage a methodology from a methodology repository associated with the data repository layer.

Bowman teaches a methodology management application operable to allow a user to manage a methodology from a methodology repository associated with the data repository layer. (**Bowman**, C4:2-4 and Fig. 43) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by being able to alter the design of the data repository layer as taught by Bowman to have a methodology management application operable to

allow a user to manage a methodology from a methodology repository associated with the data repository layer.

For the purpose of allowing the user to set up an organization design regarding the repository layer.

Claim 13

Fowler and Chappel do not teach a solution landscape management application operable to allow a user to manage a solution landscape from a landscape version repository associated with the data repository layer.

Bowman teaches a solution landscape management application operable to allow a user to manage a solution landscape from a landscape version repository associated with the data repository layer. (**Bowman**, C37:46-53; ‘Solution landscape management’ of applicant is equivalent to ‘version control’ of Bowman.) It would have been obvious to a person having ordinary skill in the art at the time of applicant’s invention to modify the combined teachings of Fowler and Chappel by having a solution repository in a organized fashion as taught by Bowman to have a solution landscape management application operable to allow a user to manage a solution landscape from a landscape version repository associated with the data repository layer.

For the purpose of being able to access various solutions with neighboring solutions being closely related, thus reducing search cost.

Claim 14

Fowler and Chappel do not teach a business process analyzer and a control object repository associated with the data repository layer.

Bowman teaches a business process analyzer (**Bowman**, C161:32-41; Bowman illustrates analyzing ‘business use case’) and a control object repository associated with the data repository layer. (**Bowman**, C37:46-53) It would have been obvious to a person having ordinary skill in the art at the time of applicant’s invention to modify the combined teachings of Fowler and Chappel by having the business process analyzer and control object repository on the same level as taught by Bowman to have a business process analyzer and a control object repository associated with the data repository layer.

For the purpose of having modules which interact with one another be at the same level as one another to ease communication costs.

Claim 15

Fowler and Chappel do not teach a business process object management application and a technology object management application operable to allow a user to manage business process objects and technology objects.

Bowman teaches a business process object management application and a technology object management application operable to allow a user to manage business process objects and technology objects. (**Bowman**, C48:18-26 and C23:35-39; ‘Business process object management’ of applicant is equivalent to ‘direct manipulation services’ of Bowman. ‘Technology object management’ of applicant is

equivalent to 'delivery vehicle reference' of Bowman.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by having agents which can manage both business objects and technology objects as taught by Bowman to have a business process object management application and a technology object management application operable to allow a user to manage business process objects and technology objects.

For the purpose of easing the burden of the user by employing agents which can manage both business proves objects and technology objects.

Claim 16

Fowler and Chappel do not teach a technology component identifier and a classification repository associated with the data repository layer.

Bowman teaches a technology component identifier and a classification repository associated with the data repository layer. (**Bowman**, C192:13-25 and C130:51-64; 'Component identifier' of applicant is illustrated in operation 5410 of Bowman. 'Classification repository' of applicant is equivalent to 'partitioned business component' of Bowman.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by having both the technology component identifier and the classification repository within the same layer as taught by Bowman to have a technology component identifier and a classification repository associated with the data repository layer.

For the purpose of having two modules which communicate with each other on the same level lowers communication costs.

Claim 17

Fowler and Chappel do not teach stores a plurality of user-selectable solution determination structures, each solution determination structure having a plurality of parameters and solution determination procedures.

Bowman teaches stores a plurality of user-selectable solution determination structures, each solution determination structure having a plurality of parameters and solution determination procedures. (**Bowman**, C14:34-43; 'Determining structures' of applicant is equivalent to 'frameworks' of Bowman.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by storing solutions as taught by Bowman to stores a plurality of user-selectable solution determination structures, each solution determination structure having a plurality of parameters and solution determination procedures.

For the purpose of accessing solutions without the cost of generating solutions.

Claim 18

Fowler and Chappel do not teach solution determination procedure comprises control objects linked to routines.

Bowman teaches each solution determination procedure comprises control objects linked to routines. (**Bowman**, C20:24-32; ‘Solution’, ‘routines’ and ‘control objects’ ‘meet a specific set of user or application requirements’, ‘applications’ and ‘components’ of Bowman.) It would have been obvious to a person having ordinary skill in the art at the time of applicant’s invention to modify the combined teachings of Fowler and Chappel by generating a solution by associating objects to functions as taught by Bowman to have solution determination procedure comprises control objects linked to routines.

For the purpose of generating a solution for the user.

Claim 19

Fowler and Chappel do not teach a solution determination structure instantiation having a user-selectable initiative, business area, business process and business activity.

Bowman teaches stores a solution determination structure instantiation having a user-selectable initiative, business area, business process and business activity. (**Bowman**, C21:52-61; ‘Business area’, ‘business process’ and ‘business activity’ of applicant is equivalent to ‘core business’, ‘architecture’ and ‘infrastructure’ of Bowman.) It would have been obvious to a person having ordinary skill in the art at the time of applicant’s invention to modify the combined teachings of Fowler and Chappel by allowing the user to have options of selection as taught by Bowman to have a solution

determination structure instantiation having a user-selectable initiative, business area, business process and business activity.

For the purpose of allowing the user to search for solution in a plurality of domains.

Claim 20

Fowler and Chappel do not teach solution determination structure instantiation is linked to a plurality of templates, the templates being linked to pre-defined business process objects and pre-defined technology objects.

Bowman teaches solution determination structure instantiation is linked to a plurality of templates, the templates being linked to pre-defined business process objects and pre-defined technology objects. (**Bowman**, C14:34-41 and C131:22-35; 'Template' of applicant is equivalent to 'template' of Bowman. Bowman equates 'template' as a functioning 'framework') It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by having solutions linked to business objects templates and technology templates as taught by Bowman to have solution determination structure instantiation is linked to a plurality of templates, the templates being linked to pre-defined business process objects and pre-defined technology objects.

For the purpose of using templates as a guide for collecting necessary input data.

Claim 21

Fowler and Chappel do not teach templates comprising a solution template, a business object template, a technology object template and a project template.

Bowman teaches templates comprising a solution template (**Bowman**, C15:9-32), a business object template (**Bowman**, C14:52-64), a technology object template (**Bowman**, C13:30-42) and a project template. (**Bowman**, C31:28-33) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by having numerous categories of templates as taught by Bowman to have templates comprising a solution template, a business object template, a technology object template and a project template.

For the purpose of template specific requirements for specific solution generation which reduces computation costs.

Claim 22

Fowler and Chappel do not teach a primary work area with active solution variants and inactive solution variants.

Bowman teaches provides a primary work area with active solution variants and inactive solution variants. (**Bowman**, C116:52-57; 'Primary work area' of applicant is

equivalent to 'system software' of Bowman.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by having a area with both active and inactive solutions possibilities as taught by Bowman to have a primary work area with active solution variants and inactive solution variants.

For the purpose of allowing the user the option of using either active or inactive solution variants.

Claim 23

Fowler and Chappel do not teach a primary work and an alternate work area. Bowman teaches a primary work and an alternate work area. (**Bowman**, C116:52-57; 'Alternate work area' of applicant is equivalent to 'management system' of Bowman.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by having different levels of work area as taught by Bowman to have a primary work and an alternate work area.

For the purpose of dividing the task into smaller domain if needed for increased efficiency

Claim 24

Fowler and Chappel do not teach an exchange infrastructure operable to allow applications in the application layer to communicate with external applications.

Bowman teaches an exchange infrastructure operable to allow applications in the application layer to communicate with external applications. (**Bowman**, C31:57 through C32:5; 'Exchange infrastructure' of applicant is equivalent to items '1006, 1008 and 1010' of Bowman.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by allowing communication of various layers to external layers as taught by Bowman to have an exchange infrastructure operable to allow applications in the application layer to communicate with external applications.

For the purpose of being able to post a solution to an outside layer.

Claim 26

Fowler and Chappel do not teach providing a software application layer and an exchange infrastructure, the exchange infrastructure allowing applications in the software application layer to communicate with external applications.

Bowman teaches providing a software application layer and an exchange infrastructure, the exchange infrastructure allowing applications in the software application layer to communicate with external applications. (**Bowman**, C31:57 through C32:5; 'Exchange infrastructure' of applicant is equivalent to items '1006, 1008 and 1010' of Bowman.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by allowing communication with outside applications as taught by Bowman to have providing a software application layer and an exchange infrastructure, the

exchange infrastructure allowing applications in the software application layer to communicate with external applications.

For the purpose of being able to post a solution to an outside layer.

Claim 27

Fowler and Chappel do not teach providing a plurality of solution determinations structures.

Bowman teaches providing a plurality of solution determinations structures.

(**Bowman**, C14:34-43; 'Determining structures' of applicant is equivalent to 'frameworks' of Bowman.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by providing numerous solutions as taught by Bowman to providing a plurality of solution determinations structures.

For the purpose of giving the option of a plurality of solutions to a user.

Claim 28

Fowler and Chappel do not teach providing a plurality of user-selectable business process templates and user-selectable technology object templates.

Bowman teaches providing a plurality of user-selectable business process templates and user-selectable technology object templates. (**Bowman**, C14:34-41 and C131:22-35, Fig 39; 'Template' of applicant is equivalent to 'template' of Bowman. Bowman equates 'template' as a functioning 'framework'. Figure 39 discloses a user

interface.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Fowler and Chappel by providing templates of both business process and technology as taught by Bowman to providing a plurality of user-selectable business process templates and user-selectable technology object templates.

For the purpose of allowing a user to select which business and technology templates to use.

Response to Arguments

5. Applicant's arguments filed on December 28, 2007 for claims 1-31 have been fully considered but are not persuasive.

6. In reference to the Applicant's argument:

REMARKS

This Application ha~ been carefully reviewed in light of the Office Action mailed on September 28, 2007 ("Office, ' Action"). Claims 1-3 and 5-31 are pending in the Application and stand rejected. Applicants respectfully request reconsideration and favorable action in this case.

Section 101 Rejections

The Office Action maintains the rejections of Claims 1-3 and 5-31 under 35 U.S.C. § 101 for containing nonstatutory subject matter. Applicants continue to traverse the § 101 rejections maintained from the prior Office Actions and respectfully submit that the rejections are improper.

First, the rejections are in direct contrast to the statutory test outlined in the M.P.E.P. Specifically, the M.P.E.P. makes clear that "a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." M.P.E.P. § 2106.01(I). In this instance, the current claims, such as example Claim 1, recite "software comprising instructions stored in a computer readable medium." To be clear, "[o]nly when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under 35 U.S.C. 101" Id. § 2106. As such, the present claims are statutory and the improper rejection should be withdrawn.

Moreover, the previous amendments made to independent Claims 1, 25, and 29 further provide for a practical application with a useful, concrete, and tangible result. The patent laws define patentable subject matter as "any new and useful process, machine, manufacture or composition of matter, or any new and useful improvement thereto." 35 U.S.C. § 101. When an abstract idea is reduced to a practical application, the abstract idea no longer stands alone if the practical application of the abstract idea produces a useful, concrete and tangible result and satisfies the requirements of 35 U.S.C. § 101. See *In re Alappat*, 33 F.3d 1526 (Fed. Cir. 1994); see also *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 1375 (Fed. Cir. 1998); *AT&T Corp. v. Excel Comm. Inc.*, 172 F.3d 1352, 1357 (Fed. Cir. 1999) (stating that as technology progressed, the C.C.P.A. overturned some of the earlier limiting principles regarding § 101 and announced more expansive principles formulated with computer technology in mind); see also *In re Musgrave*, 431 F.2d 882 (C.C.P.A. 1970) (cited by the Federal Circuit in *AT&T Corp.*, 172 F.3d at 1356). Indeed, a method or process remains statutory even if some or all of the steps therein can be performed in the human mind, with the aid of the human mind, or because it may be necessary for one performing the method or process to think. See *In re Musgrave*, 431 F.2d at 893. Thus, producing a useful, concrete, and tangible result is the key to patentability according to State Street and other applicable case law. Applicants respectfully submit that, for example, Claim 1 produces a useful, concrete, and tangible result via "persisting the modified business solution for subsequent presentation through a graphical user interface."

Moreover, the Office Action improperly suggests that the Application fails to disclose any utility or practical application. First, the Office Action fails to analyze the claims - which outline the invention - with respect to utility or practical application and instead selectively (and incorrectly) cites permissive language from the specification as supposed evidence of lack of utility. The Office Action then suggests some limiting language that could be used to demonstrate utility. But Applicants respectfully reject this approach because the permissive language merely demonstrates the breadth of the utility, not the supposed lack of such utility. Regardless, Applicants respectfully assert that the claims are directed to a useful and practical application and that one of ordinary

skill in the art would recognize the specific and practical utility upon viewing the claims. It is well known that an "invention has a well-established utility if (i) a person of ordinary skill in the art would immediately appreciate why the invention is useful based on the characteristics of the invention (e.g., properties or applications of a product or process), and (ii) the utility is specific, substantial, and credible." M.P.E.P. § 2107(II)(A)(3). Based on the foregoing, the invention, which is defined in the claims, has a well-established and immediately apparent utility.

Applicants respectfully submit that the rejection of Claims 1-3 and 5-31 under § 101 are improper and should be withdrawn.

Examiner's response:

The Examiner disagrees with the applicant's arguments. The invention lacks a practical application. The applicant argues other inventions parallel this invention in which the others which do have a practical application. The argument is flawed. The phrase 'a business solution management system' is abstract and can be implemented in numerous practical applications. The Examiner can not find a single invention which can not be interrupted as 'a business solution management system.' Office Action stands.

7. In reference to the Applicant's argument:

Objection to Permissive Language

The Office Action maintains the previous objection to the use of permissive language, such as the word "may" in describing certain aspects of the subject matter within the specification. See Office Action at ¶20; id. at 5 ("This does not describe the characteristics of a 'technology object', in addition, the word 'may' is in the paragraph 0053 indicating that it 'may' be something else as well.") This is wrong. The use of the term "may" in the specification does not justify a rejection under 35 U.S.C. § 112. Moreover, the suggestion in the Office Action that the specification must make clear "the

metes and bounds of what applicant considers unique to the invention" is inappropriate. The use of this term in the specification merely indicates that the described embodiments serve as examples - it is the claims that set forth the "invention." For example, the term "may" has been used in the present Application in the same manner as in numerous issued patents: see, e.g., U.S. Patent No. 6,339,832 to Bowman ("Bowman") at 2:25-27 ("In an aspect of the present invention, a typical response and a last resort response may be listed in the exception response table."). If the Examiner would like to see additional examples of such issued patents, these can be provided. Thus, use of the term "may" does not create a problem under § 112 in the present Application and Applicants request that all rejections or assertions based on this incorrect proposition be withdrawn.

Examiner's response:

The Examiner assumes this is related to the 35 U.S.C. §112 rejection of claim 16. The claims define the invention and the specification supports the defined invention. The problem is the specification is open ended and does not clearly define what is stated within the claim. Office Action stands.

8. In reference to the Applicant's argument:

Section 112 Rejections

The Office Action maintains the rejections of Claims 1-3, 6-21, 25, and 27-31 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully reassert the previous traversals of the maintained rejections and all the assertions and holdings therein. Indeed, Applicants continue to assert that each listed term is more than sufficiently described and supported within the Application.

The M.P.E.P. makes it explicitly clear that rejections of originally filed claims under the written description requirement should be rare. See M.P.E.P. § 2163.03. Specifically, "[w]hile a question as to whether a specification provides an adequate written description may arise in the context of an original claim which is not described sufficiently, there is a strong presumption that an adequate written description of the

claimed invention is present in the specification as filed, *in re Wertheim*, 541 F.2d 257, 262 (C.C.P.A. 1976)." *Id.* (internal citations omitted). Applicants respectfully note that thirteen maintained rejections under the written description requirement of § 112 do not appear to be 'rare" as cautioned by the M.P.E.P. Indeed, Applicants respectfully suggest that the Office Action appears to have failed to give due weight to the "strong presumption" of written description support that original claims enjoy under the M.P.E.P. and the patent laws.

Further, as noted previously, it is well settled that the written description requirement of § 112 is satisfied when the specification describes the claimed invention in sufficient detail so that one of ordinary skill in the art can reasonably conclude that the inventors had in their possession the claimed invention. See M.P.E.P. § 2163 (citing *Moba, B.V.v. Diamond Automation, Inc.*, 325 F.3d 1306, 1319 (Fed. Cir. 2003); *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563 (Fed. Cir. 1991)). Importantly, the claimed subject matter "need not be described literally (i.e., using the same terms or in haec verba) in order for the disclosure to satisfy the description requirement." *Id.* § 2163.02. With this in mind, Applicants respectfully reassert that one of ordinary skill in the art would reasonably conclude that Applicants had possession of the claimed subject matter, thereby satisfying the written description requirement, particularly for each term indicated by the Office Action.

Specifically, Applicant submit that the noted phrases are clear, concise and exact, and dispute the assertions that the phrases are in any way unclear, inexact, indefinite, or do not fully and clearly describe and support the claimed subject matter. Also, saying that something "may" merely provides the permissive nature of the attribute that "may" be. To be clear, Applicants are still unaware of any support for this rejection and again request that the Examiner either (a) provide such support or (b) withdraw this rejection.²

Applicants have again provided references below to select portions of this Application that describe examples of the particular claim term. Applicants provide these references for the purpose of expediting prosecution of the Application only, without limiting the meaning of the claims, and submit that additional portions of the Application can provide similar examples and description.

- Claims 21 and 31 ("solution template") - for example, Applicants direct the Examiner to [0088] and [00266] of the Application.
- Claims 1, 3, 7, 15, 20, 21, 25, 28, 29, 30 ("technology object") - for example, Applicants direct the Examiner to [0053] and [00281]-[00288] of the Application.
- Claims 1, 2, 25 ("first" and "second data repository") - for example, Applicants direct the Examiner to Fig. 3B of the Application.

- Claims 1, 3, 6, 21, 29 ("business object") - for example, Applicants direct the Examiner to [0053], [00272H00278], [0048811 and [00722] of the Application.
- Claim 8 ("select" a "business solution") - for example, Applicants direct the Examiner to [0019], [0079] and [00161] of the Application.
- Claim 9 ("maintains and modify a knowledge base") - for example, Applicants direct the Examiner to [0063], [0068] and [0075]-[0076] of the Application.
- Claim 10 ("maintains and modify a project") - for example, Applicants direct the Examiner to [00',t4]-[0085] and [0088] of the Application.
- Claim 11 ("maintain and modify an integrated implementation") - for example, Applicants direct: the Examiner to [0087] and [00525]-[00526] of the Application.

Claims 2, 8, 10-14, 16, 17 ("repository layer") - for example, Applicants direct the Examiner to [0056] and 10059] of the Application.

Claim 16 ("technology component identifier") - for example, Applicants direct the Examiner to [00"/3] and [0080]-[00811 of the Application.

- Claims 17 and 19 ("solution determination structures") - for example, Applicants direct the Examiner to 110014611 and [00148] of the Application.
- Claim 27 ("plurality of solution determination structures") - for example, Applicants direct the Examiner to Fig. 9, 11007511 and [00249] of the Application.

Examiner's response:

The Examiner is withdrawing all 35 U.S.C. §112 rejections under 'written description. The Examiner is rejecting claims 1, 3, 7, 15, 20, 21, 25, 28, 29, 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Office Action stands.

9. In reference to the Applicant's argument:

Section 102 Rejection

The Office Action maintains the rejection of Claim 29 under 35 U.S.C. § 102(b) as being anticipated by "UML Distilled: A Brief Guide to the Standard Object Modeling Language" by Fowler ("Fowler").³ Applicants respectfully reassert the previous traversals to this rejection and all the assertions and holdings therein,⁴ because Fowler fails to teach, suggest, or disclose each and every element of Claim 29 as required. See M.P.E.P. § 2131.

As Applicants noted previously, Fowler fails to teach "prompting the user to select at least one instantiated business process object and one instantiated technology object," as recited by Claim 29. The Office Action still relies on Fowler's disclosure of a "structural feature" and a "behavioral feature" to reject the claimed instantiated technology object and instantiated business process object, respectively. See Office Action at 11. Applicants note that Fowler generally describes the Unified Modeling Language (UML) and its capabilities. See generally Fowler. UML is a standardized specification language for object modeling used, for example, to create an abstract model of a system. Accordingly, there is no indication in Fowler that these "features" are, in fact, "objects," to say nothing of "instantiated objects." More particularly, Fowler describes "structural" and "behavioral features" in the context of a UML meta-model, i.e., a diagram that describes a notation. See id. at 4, Fig. 1-1. Applicants respectfully submit that neither the description of the UML meta-model in Fowler, nor the figure illustrating such a meta-model, teach, suggest, or describe a "business process object" or a "technology object," instantiated or otherwise.

As another example, Fowler further fails to teach "maintaining and modifying the business solution," as recited by Claim 29. The Office Action asserts that "objects that are set up and then left alone" in Fowler, thereby disclosing "maintaining and modifying the business solution." See Office Action.. at 11. Putting aside that there is no indication that the features (the so-called "objects") in Fowler are analogous to the claimed "business solution," Fowler expressly notes that objects,, are "not modified often, and when they are, we can create them again." Fowler at 8. In short, rather than teaching that the business solution may be modified as the Office Action asserts, Fowler indicates that the few objects that are modified are created anew.

For at least the foregoing reasons, Applicants respectfully request the rejection of Claim 29 in view of Fowler be withdrawn and that this claim and those depending therefrom be reconsidered and allowed.

Examiner's response:

One example of the generation of a 'feature' is the combination of a 'behavioral feature' and a 'structure feature' of Fowler. To add features, the creation of a subtype is needed. Thus 'prompting a user to select...' is the ability to create a 'subtype' of Fowler. (**Fowler**, #18, #5) The language of the application and Fowler do not map 1 to 1, but the essence of the application and Fowler do match. Applicant admits that Fowler is 'used to make abstract model of a system.' This is equivalent to a 'business solution' of applicant. Applicant states that Fowler does not teach 'maintaining and modifying the business solution.' The Examiner disagrees. 'Maintaining' of applicant is equivalent to '...as these objects that are set up and then left alone...' of Fowler. 'Modifying' of applicant is equivalent to '...they are not modified often, and when they are, we can create them again.' of Fowler. (**Fowler**, #8) Office Action stands.

10. In reference to the Applicant's argument:

The Office Action maintains the rejections of Claims 1 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Fowler in view of U.S. Patent Publication No. 2002/0174005 to Chappel ("Chappel"). Applicants again respectfully traverse the rejections and all the assertions and holdings therein. Specifically, Chappel fails to account for the deficiencies in Fowler described above with regard to certain aspects in amended Claims 1 and 25 that are analogous to those in Claim 29, such as: "business process objects" and "technology objects."⁷ Chappel describes a use of statistical modeling and rules-based analysis methods to plan a business operation. See Chappel at ~0020]-[0021]. Chappel further describes two databases, a source database 140 and rules database 145, to store business data and predetermined rules, respectively. See itL at 11002511. The Office Action seems to compare Chappel's source database 140 and rules database 145 to the claimed first and second data repositories, respectively. But Chappel's mere showing of some database, indeed even two databases, simply does not address the full language of the claimed repositories, namely, "a first data repository

comprising the instantiated user-selectable, pre-defined business objects" and "a second data repository comprising the instantiated user-selectable, pre-defined technology objects," as recited by example Claim 1. For example, Chappel teaches that the rules database stores "predetermined rules used to process or analyze results from the statistical analysis performed by the software tools." Id. Further, Chappel teaches that the rules database "may include additional knowledge, facts and assertions, that are [sic] generated by the software tools." Id. Put another way, Chappel's source database is not "a first data repository comprising the instantiated user-selectable, pre-defined business objects" and Chappel's rules database is not "a second data repository comprising the instantiated user-selectable, pre-defined technology objects."

Accordingly, Applicants respectfully request reconsideration and allowance of amended Claim 1 and all claims depending therefrom. Claim 25, as amended, includes certain aspects analogous to Claim 1. Therefore, Applicants respectfully request reconsideration and allowance of Claim 25 and all claims depending therefrom.

Examiner's response:

'First data repository' of applicant is equivalent to 'source database' of Chappel. (Chappel, ¶0026) 'Second data repository' of applicant is equivalent to 'rules database' of Chappel. (Chappel, ¶0026) Office Action stands.

Examination Considerations

11. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, l 45-48; p 2100-9, c 1, l 1-4). The Examiner has the full latitude to interpret each claim in the broadest reasonable sense.

Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

12. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but link to prior art that one of ordinary skill in the art would find inherently appropriate.

13. Examiner's Opinion: Paragraphs 11 and 12 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Claims 1-31 are rejected.

Correspondence Information

16. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner Peter Coughlan, whose telephone number is (571) 272-5990. The Examiner can be reached on Monday through Friday from 7:15 a.m. to 3:45 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor David Vincent can be reached at (571) 272-3080. Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,
Washington, D. C. 20231;

Hand delivered to:

Receptionist,
Customer Service Window,
Randolph Building,
401 Dulany Street,
Alexandria, Virginia 22313,

(located on the first floor of the south side of the Randolph Building);

or faxed to:

(571) 272-3150 (for formal communications intended for entry.)

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/P. C./

Examiner, Art Unit 2129

Peter Coughlan

3/6/2008

/Joseph P. Hirl/

Primary Examiner, Art Unit 2129